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LIFE GUARDS ON THE RIVER

Many drownings already this season on the upper Potomac point to the need of closer supervision for that playspot of Washington. Major Pullman has risen to the situation and is taking steps to organize a life-saving corps to be stationed there.

Some time ago The Times called attention to the need for such supervision. The idea should not be to restrict swimming and boating and canoeing, but to encourage a wider participation in these sports by affording better protection to those who enjoy them. Never has the upper river been more popular than this season. Within the last few years residents of the Capital have awakened to the fact that they need not go far from home to enjoy rare scenic beauty, and a spot for aquatic sports unequalled in this vicinity.

With proper police and life protection the upper Potomac is destined to be a summer resort at Washington's doors. The District heads will be boosting Washington when they see to it that proper protection is afforded those who enjoy these advantages of the Capital City.

MISS WESTCOTT'S WORK

In the retirement of Miss Edith C. Westcott as principal of Western High School, after a quarter of a century's service in that position, the District loses one of its most valuable public servants. Even the head of a school system and its other executive officers scarcely have the direct influence upon so large a number of pupils each year that is wielded by the principal of a great high school like Western.

In her twenty-five years' tenure Miss Westcott came into personal contact with about 15,000 high school students. Many of these now are influential business and professional men of the Capital, others have won distinction outside this city. To retire after exerting such an influence must be a source of the deepest satisfaction.

The pity of the matter is that Miss Westcott might have continued her useful service here several years longer had not circumstances combined to make the strain upon her too heavy. The burning of Western High School a year ago last April brought strenuous work of readjustment; and the long delay in repairing the school, owing to the excessive red tape required in such emergencies here, delayed the return to the former quarters. In view of this prolonged stress Miss Westcott probably realized that her health would be seriously impaired if she undertook the task of getting the school back into the building again this fall, superintending the purchasing of equipment, and other arrangements.

WHEN IS A BLOCKADE?

Germany's right to sink the *William P. Frye* and the *Leelanaw* is based on the fact that she was entitled to capture those vessels, take them into a home harbor and before a prize court, try vessels and cargoes, and confiscate either vessels or cargoes or both, as the facts developed on the trial gave warrant under international practice.

Maritime practice has expanded this right of confiscation into the right to destroy ship and cargo if the exigencies of war make it impossible for the captor to get his prize safely into a home port. This is exactly what a submarine cannot do, particularly in the present German case, for Germany has no power on the sea; merely under it.

It is true, of course, that Germany is compelled to flout her treaty of 1828 with the United States in order to assume the right to confiscate or capture ships and cargoes. Apparently she is willing to do that; for after the United States protested against the *Frye* affair she has gone ahead and sunk the *Leelanaw*.

German violation of a solemn treaty, of which she has herself had the benefit when benefits were running the other way, is not much to be wondered at. It is characteristic of all German procedure. So we may reasonably assume that the treaty of 1828 is a scrap of paper, and that Germany proposes to stand in these cases on her general rights under international practice.

Those rights are modified by the general rule that a blockade to be legally effective must be physically enforceable; there must be naval power on the job to prevent vessels going through the interdicted lines. What measures of effectiveness may be supposed to insure the right to seize or to destroy? That is become a very serious question in this war; a question that will require at-

tention when the various damage and reparation incidents come up for adjustment after the war or in the peace negotiations.

It would seem that a blockade might fairly be regarded as legal when the captor is so strong on the sea as to stop a considerable share of traffic into and out of the blockaded ports, and to take care of prizes. Otherwise, it is merely a paper blockade; a sort of assumed license to engage in the business of sporadic destruction. On this theory, Germany has no blockade of the British islands or the French coast. She cannot take a prize into a home port; she cannot try it; she must stand on the judgment of a naval officer who in the conditions of submarine war has only a few minutes to make his verdict. That may satisfy Germany; it will never satisfy the rest of the world; and even the assurance of reparation for mistakes will not make the case much better. It would seem that the rule might fairly be urged that a proclamation of blockade does not confer the right of wholesale seizure and destruction on the strength of a capstan court-martial aboard a submarine when there is not the ghost of a chance to take a prize into port or court. The destruction of a prize should be the exceptional and exigent case; when it becomes the invariable practice it might well be considered as demonstrating that there is in fact no blockade at all.

SENATOR SMITH'S SIDE OF IT

In another column on this page The Times prints today a letter from Senator Hoke Smith, replying to some editorial adversions on his campaign to get this country into a controversy with the allies over the cotton issue. Senator Smith charges The Times with overlooking the distinction between a blockade and a contraband list. As a matter of fact the Senator himself is the victim of confusion on that point. In the civil war the Federal Government seized and condemned cotton wherever found. Whether the word "contraband" was properly applied to the legal status of cotton when seized on land is not very material; the essential fact is that it was seized, and was destroyed when it could not be taken back of the Union lines—to the home port, as it were.

As to seizures of cotton on the sea, they were carried out under the general authority which nations at war claim to confer on themselves when they create a blockade. The Senator says that "a blockade is an entirely different thing from a list of contraband of war. A blockade applies to particular ports, and its effect does not prevent delivery of goods to ports not blockaded." Perfectly correct; but when the "particular ports" include all the ports of the blockaded country, as they did during the civil war, a blockade becomes quite a little affair; a good deal more effective than a contraband list, for the list concerns only things named, while the blockade forbids any articles passing through. The greater efficacy and rigor of a blockade are admitted by the Senator, when he observes that "there is a long list of commodities specified in the declaration of London which under no circumstances are to be made contraband of war, yet any of these goods may be stopped from going into or out of an enemy's port if a blockade is being conducted."

Surely Senator Smith will not insist that the allies' blockade of German ports is ineffective, when in fact there is not a German merchantman on any of the world's seas; when half a million tons of German merchant shipping is interned in this country alone; when the only significant supplies going into German ports are going in by way of neutral ports.

"I have criticized the conduct of Great Britain," proceeds Senator Smith, "because that country is endeavoring to conduct, and is conducting, a blockade of neutral ports." The Senator admits, then, that the blockade is an effective blockade. Has Britain the right to blockade neutral ports? The cases of Nassau and Matamoros, blockaded by the Federal Government in our own civil war, answer that question. This country wrote into international law the present construction of the doctrine of the continuous voyage, and made it stick. It did blockade Nassau, and Britain is doing the same thing at Rotterdam, but with a good deal less rigidity in its treatment of seized cargoes than the United States employed.

Finally, Senator Smith says that "this course on the part of Great Britain is cutting off a market for about 3,000,000 bales of cotton annually." The Senator will be saved from repetition of this error if he will examine the figures prepared by the Department of Commerce and published a day or two ago by The Times. They show that in the first ten months of the war period Europe took from us 7,269,073 bales of cotton, while in the corresponding months of the year immediately before the war it took 8,008,300 bales. Instead of cutting off three million bales, the blockade has cut off less than one-fourth of that amount.

Britain's blockade of neutral ports has indeed been a horrible imposi-

tion on the cotton industry. It has, for instance, "reduced" our cotton sales to neutral Holland from 33,822 bales in the peace year of 1913-14 to 501,700 in the blockade year of 1914-15! Isn't it frightful to see American commerce with neutrals crushed in such fashion! Isn't it maddening to contemplate that the piratical rules of Great Britain—borrowed from the United States' civil war practices—have in ten short months cut down our cotton sales to Sweden from 46,266 bales in the ten months of the ante-bellum year, to a paltry 741,637 bales in the same months of the war year.

Senator Smith's indignation at these impositions on the American cotton trade is almost as impressive as his contention that The Times doesn't know the difference between contraband and a blockade.

GERMAN MUNITIONS TREASON

No German-American, and for the matter of that no German either, need bother himself in the slightest about the Berlin warning that he will be punished for treason if he works in American factories producing arms and ammunition all of which or some of which may go to the allies. We mean so far as concerns the infliction of that punishment.

The German militarists could never get back from this country anybody to be punished for such "treason" unless the person himself wanted to go back and be punished. The United States Government would never surrender to the German government anybody demanded by it to be punished in Germany for such a "crime" committed in the United States. The American people would go to war with Germany or with any other nation before it would recognize the right of a foreign power to provide and enforce penalties for acts committed on the soil of this nation and under the jurisdiction of this sovereignty.

There isn't the very least doubt about this; as long as the United States is a sovereign nation able to exercise its sovereignty there never will be. That isn't the question raised by this Berlin warning to German workers in the United States. The question is, What effect is this warning going to have upon the attitude of American employers toward the German and German-American workers here? The employer who fears that the German and even the German-American—for one of the pretty ways of Berlin militarism is to assume that a German can't cease being a German when it suits its purpose to keep him German—may take any sort of orders from the Berlin government and carry them out to whatever hideous purpose and atrocious consequence, if not going to be consumed with a passionate desire to engage or retain the services of a man.

This newspaper protested long ago against any discrimination in the United States against anybody of German blood; but if the Berlin militarists themselves are going to force the discrimination it will be one of the very stupidest of all the stupid things that have been done for a year now in the Berlin intercourse with other races and peoples.

Where we differ is this: I insist that a blockade is entirely different thing from a list of contraband of war. A blockade applies to particular ports, and its effect does not prevent delivery of goods to ports not blockaded. A blockade is conducted without regard to the character of the goods seeking ingress or egress. A legal contraband list is a list of commodities which, under the rules of international law, a belligerent has the right to seize when destined to territory of the enemy, no matter whether it is upon a vessel sailing to an enemy port or to a neutral port. There are many other things that a belligerent may do.

If you will refer to the declaration of London you will see that the subject of blockading ports and the effect of a blockade is entirely different from the subject of the list of contraband and the effect of a contraband list.

Cotton has not been placed upon any list of contraband by Great Britain. The British government has expressly declared that under no circumstances shall raw cotton be placed upon a list of contraband. This does not mean that if a blockade is being conducted against an enemy port that cotton and still go through to that enemy port. It means that cotton is not contraband specified in the declaration of London which under no circumstances are to be made contraband of war, yet any of these goods may be stopped from going into or out of an enemy's port if a blockade is being conducted against that enemy port.

Will you pardon me for saying that your editor has confused two entirely different subjects, namely, a blockade and a list of contraband? I have criticized the conduct of Great Britain because that country is endeavoring to conduct, and is conducting, a blockade of neutral ports. They are seizing vessels carrying non-contraband cargoes to neutral ports, in direct violation of established rules of international law.

This course on the part of Great Britain is cutting off a market for about 3,000,000 bales of cotton annually, and is seriously injuring the people of the State which I represent.

May I not suggest, then, that instead of being the subject of criticism for protesting in behalf of the rights of the constituents when those rights are being cut off by Great Britain, I am simply doing my duty and should have the support, not the hostility, of papers like your own?

I have the honor to acknowledge your support in my protest when the same illegal conduct of Great Britain which is cutting off a market for about 3,000,000 bales of cotton is interfering with so much of the commerce of our entire country.

Very truly,
HOKE SMITH.

Warrenton, Va., July 26, 1915.

Washingtonians Invited

To Lecture on Commerce

Washington business men who may chance to be in New York on August 4, 5, or 6 have been extended an invitation through Secretary Thomas Grant of the Chamber of Commerce, to attend a series of lectures to be held under the auspices of the American City Bureau of New York.

This series of lectures is the concluding feature of the summer school of commercial and civic organization work conducted by the bureau.

HOKE SMITH REPLIES TO TIMES EDITORIAL

Explains His Contentions in Regard to Lists of Contraband and to Blockades.

To the Editor of THE TIMES: Will you permit me through your columns to make reply to that portion of your recent editorial headed "Senator Smith on Cotton," which charges me with having misstated the facts with reference to the treatment of cotton by the Federal Government during the civil war.

The language which I used upon this subject was as follows: "The story being published, with a London origin, that the United States declared cotton to be contraband during the civil war is false and absurd. The United States did not declare cotton contraband."

"The right of contraband seizures by a belligerent applies alone to cargoes in ships. The seizures are made to prevent goods used for military purposes from reaching the forces of an enemy. They are to prevent the goods from getting into the hands of the enemy."

"The Southern States produced cotton in great quantities. They exported cotton, and did not import it. There was no occasion to seize cotton during the civil war to prevent it from going in to Southern States."

"The story originated from a note written in 1862 by Mr. Bayard, a Frenchman, in an untechnical sense, used, with reference to cotton seizures on land, the word 'contraband.' Mr. Bayard replied that the United States had never placed cotton on a list of contraband of war. (See House documents, vol. 132, part 3, page 883.)"

"The only effort by any country to prohibit the export of cotton was by the Russian government in 1905. This was during the Japanese war. Great Britain had never placed cotton on a list of contraband of war. India is by far the largest exporter of raw cotton into Japan. The quantity of cotton exported from India to Japan was about 1,000,000 bales in 1905. This was during the Japanese war. Great Britain had never placed cotton on a list of contraband of war. India is by far the largest exporter of raw cotton into Japan. The quantity of cotton exported from India to Japan was about 1,000,000 bales in 1905. This was during the Japanese war. Great Britain had never placed cotton on a list of contraband of war. India is by far the largest exporter of raw cotton into Japan. The quantity of cotton exported from India to Japan was about 1,000,000 bales in 1905. This was during the Japanese war. Great Britain had never placed cotton on a list of contraband of war. 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